

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTE AND HAZARDOUS MATERIALS DIVISION

NRC Agreement State Stakeholders Workgroup
Meeting Summary – December 14, 2005

Attendance

An attendance list is attached.

Discussion Summary

Following introductions, workgroup members discussed issues pertinent to Michigan investigating an Agreement with the U.S. Nuclear Regulatory Commission (NRC).

The following is a summary of discussion points/concerns that workgroup members raised during the meeting:

1. There was strong consensus that the x-ray and radioactive material (RAM) regulatory programs should be reunited. Most members viewed this as a must have for support of an Agreement program and it was noted that this is recommended by the CRCPD.
2. The Radiation Safety Section (RSS) of The Department of Community Health (DCH) is currently revising its rules governing radiation producing machines. A decision to reunite the programs should be made soon, since conflicts may arise between machine regulations and RAM regulations. It is likely that Michigan would adopt 10 CFR by reference for its RAM regulations. At this time, it is not known if there are inconsistencies between the current draft RSS rules and 10 CFR 20.
3. There was discussion of whether one inspector could perform x-ray and RAM inspections at a given site. The general opinion was that it would be feasible at routine diagnostic sites, but larger sites or unusual applications would require inspectors with more specialized knowledge. In these instances, a “team approach” could be used so that a licensee’s entire radiation protection program could be inspected on a single occasion.
4. The Energy Policy Act of 2005 is a watershed event. Some in NRC have suggested a possible “limited agreement” option (although this has not been formally proposed). Under this arrangement, States would license NARM. No one in the group expressed interest in this option for Michigan.
5. Some background information on the Agreement process was supplied by Jim Lynch of the NRC. He noted:
 - NRC agreement is unique to government agencies: NRC relinquishes authority, while other agencies (i.e. EPA) delegate authority to the state.
 - Some licensees have to pay two fees (NRC plus Agreement State) if they operate in two states.
 - Agreements can be terminated by NRC or the State (specified in AEA). To date, an agreement has not been terminated, though there have been close calls. In the past,

NRC has approached state legislatures and governors when IMPEP reviews have shown programs to be deficient.

- States pay the cost of training staff. Non-experienced staff may need two years to be fully trained. Cross training of staff was recommended.

- Jim Lynch noted that MI Agreement program would probably attract qualified staff, owing to higher than average salaries

- NRC will insist on Michigan Agreement program being high quality, since it has a large pool of licensees

- NRC fees will be going up as more states sign Agreements. In addition to Minnesota and Pennsylvania (which have submitted formal letters of intent), several other states are considering Agreements with NRC.

6. Stakeholders were concerned that the number of future licensees noted in the DEQ "Timeline" was unrealistically high. DEQ staff pointed out that a lower number of specific licenses in the state may require fewer staff to service since the program budget estimate is based on the number of FTEs per 100 specific licenses. Several members were not satisfied with the concept of average cost per license as used in the "Timeline" and requested costs be broken out by NRC license category.
7. Stakeholders suggested selling the idea to a broader group of stakeholders – perhaps a public meeting.

Next Steps

1. **Begin formal discussions on recombining the x-ray and RAM groups:** It was clear from the workgroup members that recombining the two groups into a unified radiation control program was condition of their support for pursuit of an Agreement with the NRC. The DEQ staff committed to addressing this issue at our Executive level and DCH staff, who were present, were receptive to beginning a dialogue.
2. **Fine-tune fee analysis:** Some members of the workgroup were not satisfied with the method of license cost averaging as presented in the DEQ's "Timeline". Instead they wanted a breakdown of projected costs for individual license categories. The DEQ will obtain more detailed information from the NRC and provide an estimate of projected costs by license category.
3. **Develop an issue paper and seek more diverse involvement from interest groups:** The DEQ will seek dialogue from a larger pool of stakeholders. At this time the form of this outreach effort is not known. Presentations at public meetings were suggested and that an "issues paper" should be written for broad distribution. It is likely that we will seek assistance from the current workgroup to obtain organizational contacts or other assistance in this effort.

DEQ will maintain contact with the workgroup as progress is made.